

UNITED STATES OF AMERICA)
)
 v.)
)
 Manning, Bradley E.)
 PFC, U.S. Army,)
 HHC, U.S. Army Garrison,)
 Joint Base Myer-Henderson Hall)
 Fort Myer, Virginia 22211)

**Government Proposed
Trial Schedule Plan**

21 May 2013

I. ASSUMED PLANNING FACTORS

Currently, a contested trial with no witness stipulations is expected to last approximately 12-16 weeks. This approximation is based on the total number of witnesses for both parties and the average witness testifying for three hours.

The prosecution, the military defense counsel, and support staff will be TDY during this time to ensure proper security and prevent any unplanned delays based on traffic, weather, or other unforeseen activities. Additionally, the prosecution will coordinate witness travel and movements. At any given time, there will be approximately ten witnesses traveling to or from Fort Meade, or at Fort Meade.

The Secretary of Defense announced that the Department of Defense (DoD) will implement up to 11 furlough days for DoD civilian personnel. The furlough goes into effect on 8 July 2013. Therefore, DoD civilian personnel will only be able to work only eight hours a day for four days per week. No overtime or other type of credit time will be available to DoD civilian employees. However, information security personnel and defense security and information assurance experts will be exempt from furlough requirements and are authorized appropriate overtime and other types of credit time. Court reporter workloads and exemptions are still being considered under the current temporary employment rules and ongoing process of contracting for additional support.

To ensure that furloughs do not cause gaps during sessions, other civilian staff will coordinate amongst their own sections to ensure full coverage (i.e., furlough days will be staggered to provide proper coverage five days per week). Five day coverage will exceed the current schedule for many federal courts that are planning four day work weeks in response to the implementation of sequestration on the judicial system.

II. PLAN

Set forth below is the United States' proposal for the Court's schedule subject to the Court's approval.

A. Plan When Furlough is not in Effect

Until the furlough goes into effect, the Court will hold sessions Monday through Friday from 0930 until approximately 1800 with 75 minutes for lunch. There will be flexibility on when the day ends depending on a determination by the Court to complete a particular witness's testimony.

B. Plan When Furlough Is in Effect

The Court will hold sessions Monday through Friday from 0930 until 1700 with 1 hour for lunch recess. The Court may extend a session absolutely no later than 1730 and only if civilian staffing is available.

C. Daily Plan Details

The Court retains flexibility to amend the schedule, and may elect to shorten sessions or not hold sessions on specific days.

Other than by exception, RCM 802 conferences should not occur prior to 0830 and should conclude by 0910. If a conference must go past 0910, the public and media will be notified of the updated start time by the bailiff.

Court will not be in session on 3-7 July 2013 based on the concert event and federal holiday. On Wednesday, 3 July 2013, Fort Meade Garrison will have a fireworks show and concert that is open to local civilians and planned for approximately 10,000 people. The event will take place on the main parade field 100m from the courthouse. The Garrison along with the Military District of Washington plans to use all available military police and public affairs support for this event. Thursday, 4 July 2013 is a federal holiday.

This plan may be amended as required to incorporate future developments as they occur.



ASHDEN FEIN
MAJ, JA
Trial Counsel

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel, via electronic mail on 21 May 2013.



ASHDEN FEIN
MAJ, JA
Trial Counsel